

2015 SENATE BILL 241

August 26, 2015 - Introduced by Senators WANGGAARD, RISSER, MILLER, LASSA and C. LARSON, cosponsored by Representatives KERKMAN, EDMING, SPIROS, KREMER, STUCK, NOVAK, SUBECK, SINICKI, SPREITZER, THIESFELDT, MURPHY, OHNSTAD, HINTZ, GENRICH, A. OTT and KITCHENS. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

AN ACT *to amend* 169.07 (1) (a), 169.08 (1), 169.11 (1) (a) (intro.), 169.15 (4) (b), 2173.22 (1) and 173.22 (3) (a) (intro.); and *to create* 173.13 (1) (a) 10., 173.21 (1) 3(e), 173.22 (3) (a) 5. and 173.50 of the statutes; **relating to:** the possession of certain wild animals and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes changes to the laws relating to the possession of certain wild animals.

Under current law, known as the captive wildlife law, the Department of Natural Resources (DNR) regulates the possession of, and other activities related to, certain wild animals. Generally under current law, a person may not possess a wild animal that is native to Wisconsin without a license from DNR. There are exceptions to this prohibition for some animals, including chipmunks, mice, pigeons, and voles. Certain entities may possess wild animals without a license from DNR, including veterinarians, zoos accredited by the Association of Zoos and Aquariums, municipal zoos, and circuses.

Generally, the captive wildlife law does not require a person to have a license from DNR to possess a wild animal that is not native to Wisconsin, such as a lion, unless the animal is endangered or threatened and native to the United States or Canada or is a harmful wild animal. Under the statutes, cougars, wild and feral swine, and bears, including nonnative bears, are harmful wild animals. The law authorizes DNR to designate other wild animals that satisfy specified criteria as harmful wild animals. DNR has designated mute swans and wolf-dog hybrids as

harmful wild animals. Generally, a person may not possess, exhibit, propagate, sell, or purchase a harmful wild animal without specific authorization in a license issued by DNR.

The captive wildlife law also authorizes a city, village, town, or county to enact an ordinance that prohibits the possession of wild animals.

This bill generally prohibits the possession, propagation, and sale of dangerous exotic animals. Under the bill, dangerous exotic animals are nonnative big cats, including lions and tigers; nonnative bears, including brown bears and polar bears; apes, including gorillas, chimpanzees, and gibbons; and crocodilians, including

alligators, crocodiles, and caimans. Certain entities are exempt from the prohibitions, including veterinarians, accredited zoos, municipal zoos, circuses, federally licensed research facilities, and wildlife sanctuaries. The bill authorizes a person who does not qualify for an exemption but who owns a dangerous exotic animal when the bill takes effect to continue to possess the animal if the person registers the animal with the municipality in which the person keeps the animal.

The bill prohibits a person from allowing a member of the public to come into direct contact with a dangerous exotic animal and requires the owner of a dangerous exotic animal to inform local law enforcement if the animal escapes. The bill also authorizes a city, village, town, or county to enact an ordinance relating to dangerous exotic animals if the ordinance is at least as strict as the provisions in the bill relating to dangerous exotic animals.

In addition, the bill eliminates DNR's authority, under the captive wildlife law, to regulate dangerous exotic animals, including nonnative bears, as harmful wild animals.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1SECTION 1. 169.07 (1) (a) of the statutes is amended to read:

2169.07 (1) (a) No person may exhibit any captive live native wild animal ~~or any~~
3captive live nonnative wild animal of the family ursidae except as authorized under
4a captive wild animal farm license, a rehabilitation license, a nonprofit educational
5exhibiting license, or a nonresident temporary exhibiting license or under s. 29.319.

6SECTION 2. 169.08 (1) of the statutes is amended to read:

7169.08 (1) REQUIREMENT. No person may propagate any native wild animal ~~or~~
8any nonnative wild animal of the family ursidae except as authorized under a captive

1wild animal farm license, a bird hunting preserve license, a wild fur farm license,
a
2nonprofit educational exhibiting license, or a scientific research license.

3SECTION 3. 169.11 (1) (a) (intro.) of the statutes is amended to read:

4169.11 (1) (a) (intro.) The department shall designate by rule cougars, members
5of the family ursidae species Ursus americanus, wild swine, and feral swine as
6harmful wild animals. After consulting with the department of agriculture, trade

7and consumer protection and the department of health services, the department of
8natural resources may designate by rule other species of wild animals, except
9dangerous exotic animals, as defined in s. 173.50 (1) (b), as harmful wild animals if
10any of the following applies:

11**SECTION 4.** 169.15 (4) (b) of the statutes is amended to read:

12169.15 (4) (b) If any member of the family ~~ursidae~~, felidae, or canidae or of the
13species *Ursus americanus* escapes from its enclosure or fenced area on a captive wild
14animal farm, the person holding the captive wild animal farm license shall notify the
15department within 24 hours after the escape.

16**SECTION 5.** 173.13 (1) (a) 10. of the statutes is created to read:

17173.13 (1) (a) 10. A dangerous exotic animal possessed, imported into this state,
18sold, transferred, or bred in violation of s. 173.50.

19**SECTION 6.** 173.21 (1) (e) of the statutes is created to read:

20173.21 (1) (e) There are reasonable grounds to believe that the animal is a
21dangerous exotic animal possessed, imported into this state, sold, transferred, or
22bred in violation of s. 173.50.

23**SECTION 7.** 173.22 (1) of the statutes is amended to read:

24173.22 (1) PETITION. A person claiming that an animal that he or she owns was
25improperly taken into custody under s. 173.13 (1) (a) 3., 4., 5., 6. ~~or~~ 8., or 10. or is

1wrongfully withheld under s. 173.21 (1) may seek return of the animal by
2petitioning
3for an order from the circuit court for the county in which the animal was taken into
4custody or in which it is held.

5**SECTION 8.** 173.22 (3) (a) (intro.) of the statutes is amended to read:

6173.22 (3) (a) (intro.) If the animal was taken into custody under s. 173.13 (1)
7(a) 8. or 10. or is withheld under s. 173.21 (1), the court shall order the animal
8returned to the owner unless it determines that one of the following conditions is
9satisfied:

10**SECTION 9.** 173.22 (3) (a) 5. of the statutes is created to read:

11173.22 (3) (a) 5. There are reasonable grounds to believe that the animal is a
12dangerous exotic animal possessed, imported into this state, sold, transferred, or
13bred in violation of s. 173.50.

13SECTION 10. 173.50 of the statutes is created to read:

14173.50 **Dangerous exotic animals. (1) DEFINITIONS.** In this section:

15(a) "Circus" means an entity holding a class C license as an exhibitor under the
16federal Animal Welfare Act, 7 USC 2131 to 2159, who conducts scheduled events
17performed by a traveling company that uses mobile facilities in which entertainment
18consisting of a variety of performances by acrobats, clowns, and trained animals is
19the primary attraction or principal business.

20(b) "Dangerous exotic animal" means a live animal that is any of the following:

211. One of the following animals of the family felidae: a lion, tiger, jaguar,
22leopard, snow leopard, clouded leopard, Sunda clouded leopard, or cheetah or a
23hybrid of any of these species.

12. One of the following animals of the family ursidae: an Asiatic black bear,
2brown bear, polar bear, sloth bear, sun bear, giant panda bear, or spectacled bear or
3a hybrid of any of these species.

43. One of the following animals of the family hominidae: a gorilla, orangutan,
5chimpanzee, or bonobo.

64. One of the following animals of the family hylobatidae: a siamang or gibbon.

75. One of the following animals of the order crocodylia: an alligator of any
8species, crocodile of any species, caiman of any species, or gharial.

9(c) "Municipality" means a city, village, or town.

10(d) "Wildlife sanctuary" means a nonprofit entity to which all of the following
11apply:

121. The entity operates a place of refuge where abused, neglected, unwanted,
13abandoned, orphaned, displaced, or impounded dangerous exotic animals are
14provided with lifelong care.

152. The entity does not conduct any commercial activity involving a dangerous
16exotic animal, including the sale, trading, or leasing of dangerous exotic animals or
17the dead bodies or parts of bodies of dangerous exotic animals or the use of dangerous
18exotic animals in a for-profit operation.

193. The entity does not use dangerous exotic animals for performances or in a
20traveling exhibit.

214. The entity does not breed dangerous exotic animals.

22(2) PROHIBITIONS. (a) Except as provided in sub. (3), no person may possess, 23import into this state, sell, transfer, or breed a dangerous exotic animal.

24(b) No person may allow a member of the public to come into direct contact with 25a dangerous exotic animal.

1(3) EXEMPTIONS. (a) Subsection (2) (a) does not apply to any of the following:

21. An entity that is an accredited member of the Association of Zoos and 3Aquariums or that has a contract under a species survival plan of the Association of 4Zoos and Aquariums for the breeding of species listed as threatened or endangered 5under 16 USC 1533 (c).

62. A zoo that is operated by a municipality or county.

73. A circus.

84. Circus World Museum.

95. A wildlife sanctuary.

106. A person operating a research facility that is registered under the federal 11Animal Welfare Act, 7 USC 2131 to 2159.

127. A veterinarian licensed under ch. 453 who is providing treatment to a 13dangerous exotic animal.

148. An individual performing his or her duties as a humane officer or law 15enforcement officer, a political subdivision on whose behalf a humane officer or law 16enforcement officer takes a dangerous exotic animal into custody, or a person 17providing services under a contract under s. 173.15 (1).

189. A person transporting a dangerous exotic animal through this state if the 19dangerous exotic animal is in this state for no longer than 72 hours.

20(b) A person who owns a dangerous exotic animal on the effective date of this 21paragraph [LRB inserts date], and who does not qualify for an exemption in par. 22(a) may possess the dangerous exotic animal if all of the following apply:

231. The person maintains documentation showing that on the effective date of 24this subdivision [LRB inserts date], the person owns the dangerous exotic animal.

12. The person registers the dangerous exotic animal under sub. (4) and pays
2the registration fee no later than the first day of the 7th month beginning after the
3effective date of this subdivision [LRB inserts date].

4(c) A person who is authorized to possess a dangerous exotic animal under par.
5(b) may transfer the dangerous exotic animal to another person who is legally
6authorized to possess the dangerous exotic animal.

7**(4) REGISTRATION.** A municipality shall accept registrations of dangerous exotic
8animals for the purposes of sub. (3) (b) 2. beginning no later than the first day of the
94th month beginning after the effective date of this subsection [LRB inserts date].
10A municipality shall charge a fee for registering a dangerous exotic animal.

11**(5) ESCAPES.** (a) If a dangerous exotic animal is released or escapes, the owner
12of the dangerous exotic animal shall immediately notify a local law enforcement
13agency.

14(b) The owner of a dangerous exotic animal that is released or escapes is liable
15for the expenses incurred to recapture the dangerous exotic animal.

16**(6) ORDINANCES.** A municipality or county may enact an ordinance relating to
17dangerous exotic animals if the ordinance is at least as strict as subs. (2) to (4).

18**(7) PENALTIES.** (a) A person who violates this section may be required to forfeit
19not more than \$1,000. Each animal with respect to which the person violates this
20section constitutes a separate violation.

21(b) If a person violates sub. (5) (a) and the dangerous exotic animal causes
22property damage or attacks an individual, the person may be required to forfeit not
23more than \$2,000.

24**(END)**